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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,892	03/06/2002	Kazuhiko Momoki	1232-4834	1144

27123 7590 05/15/2003

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EXAMINER

THOMPSON, TIMOTHY J

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 05/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/092,892

Applicant(s)

MOMOKI, KAZUHIKO

Examiner

Timothy J Thompson

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-9 and 11 is/are rejected.
- 7) ☒ Claim(s) 2,5 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inabara et al.(U.S. Patent No. 4,906,078) in view of Yanari(U.S. Patent No. 6,377,399).**

Regarding claims 1 and 3, Yanari discloses an objective optical part which forms an image of an object(fig 2, G1, G2, G3), and has a first lens unit with a negative power(fig 1, G1) and a second lens unit with a positive power arranged from an object side in the order named(fig 1, G2), said second lens unit being capable of moving in a direction(fig 1); an image inverting part which converts an image formed by said objective optical part into an erect image(fig 1, P); and an eyepiece optical part which guides the erect image converted by said image inverting part to an observer(fig 1, EP). Inabara et al. does not disclose the second lens unit being capable of moving a component perpendicular to an optical axis to stabilize an image. However, Yanari discloses a second lens unit being capable of moving a component perpendicular to an optical axis to stabilize an image(fig 1, L2). It would have been obvious to one skilled in

the art, at the time of the invention, to move the second lens unit perpendicular to an optical axis as shown by Inabara et al., in the optical system of Yanari, since as shown by Inabara et al., the second lens unit is commonly moved perpendicular to an optical axis so as to stabilize the image due to shaking or moving of the lens unit.

**Claims 1, 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakagami et al.(U.S. Patent No. 5,617,159) in view of Onuki(U.S. Patent No. 6,377,305).**

Regarding claim 1, Sakagami et al. discloses an objective optical part which forms an image of an object(fig 1, 2, 3), and has a first lens unit with a negative power(fig 1, 2) and a second lens unit with a positive power arranged from an object side in the order named(fig 1, 3), said second lens unit being capable of moving in a direction including a component perpendicular to an optical axis to stabilize the image(col 5, line 65 to col 7, line 13). Sakagami et al. does not specifically disclose an image inverting part which converts an image formed by said objective optical part into an erect image and an eyepiece optical part which guides the erect image converted by said image inverting part to an observer. However, Onuki discloses an image inverting part(fig 1, 142) which converts an image formed by said objective optical part into an erect image and an eyepiece optical part(fig 1, 143) which guides the erect image converted by said image inverting part to an observer. It would have been obvious to one skilled in the art, at the time of the invention, to use an image inverting part which converts an image formed by said objective optical part into an erect image and an

eyepiece optical part which guides the erect image converted by said image inverting part to an observer as shown by Onuki, in the optical system of Sakagami et al., since as shown by Onuki, an image inverting part which converts an image formed by the objective optical part into an erect image and an eyepiece optical part are commonly used for guiding an erect image to the user of a camera for indicating the image that will be captured on film of the camera.

Regarding claim 4, Sakagami et al. discloses second lens unit can swing about a point on the optical axis(fig 1, 9 and col 5, lines 44-55).

Regarding claim 11, Sakagami et al. discloses observation optical system(col 7, lines 24-27).

**Claims 1, 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker(U.S. Patent No. 2,985,071) in view of Yanari(U.S. Patent No. 6,377,399) and Inabara et al.(U.S. Patent No. 4,906,078).**

Regarding claims 1, Becker discloses an objective optical part which forms an image of an object(fig 1), and has a first lens unit with a negative power(fig 1, r5-r7) and a second lens unit with a positive power arranged from an object side in the order named(fig 1, r11-r12). Becker does not disclose said second lens unit being capable of moving in a direction including a component perpendicular to an optical axis to stabilize the image; an image inverting part which converts an image formed by said objective optical part into an erect image; and an eyepiece optical part which guides the erect image converted by said image inverting part to an observer. Regarding the movement

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of the second lens, Yanari discloses a second lens unit being capable of moving a component perpendicular to an optical axis to stabilize an image(fig 1, L2). It would have been obvious to one skilled in the art, at the time of the invention, to move the second lens unit perpendicular to an optical axis as shown by Inabara et al., in the optical system of Yanari, since as shown by Inabara et al., the second lens unit is commonly moved perpendicular to an optical axis so as to stabilize the image due to shaking or moving of the lens unit. Regarding the eyepiece and the erecting element, However, Onuki discloses an image inverting part(fig 1, 142) which converts an image formed by said objective optical part into an erect image and an eyepiece optical part(fig 1, 143) which guides the erect image converted by said image inverting part to an observer. It would have been obvious to one skilled in the art, at the time of the invention, to use an image inverting part which converts an image formed by said objective optical part into an erect image and an eyepiece optical part which guides the erect image converted by said image inverting part to an observer as shown by Onuki, in the optical system of Sakagami et al., since as shown by Onuki, an image inverting part which converts an image formed by the objective optical part into an erect image and an eyepiece optical part are commonly used for guiding an erect image to the user of a camera for indicating the image that will be captured on film of the camera.

Regarding claim 6, Becker discloses first lens unit consists of one positive lens element(fig 1, r5-r6) and one negative lens element(fig 1, r6-r7), and the second lens unit having of one positive lens element(fig 1, r11-r12).

Regarding claim 7, Becker discloses a first lens unit (fig 1, r5-r7) has a positive lens element(fig 1, r5-r6) with a convex surface facing the object side and a negative lens element(fig 1, r6-r7) with a concave surface facing the image side which are arranged from the object side in the order named(fig 1).

Regarding claim 8, Becker discloses a first lens unit(fig 1, r5-r7) having of a lens component formed by cementing the positive lens element(fig 1, r5-r6) to the negative lens element(fig 1, r6-r7)(see the table which shows that the lens elements are cemented together).

Regarding claim 9, Becker discloses the second lens unit(fig 1, r11-r12) having of a positive lens element having a convex surface facing the object side(see the table which shows that the positive lens elements has a convex surface facing the object side).

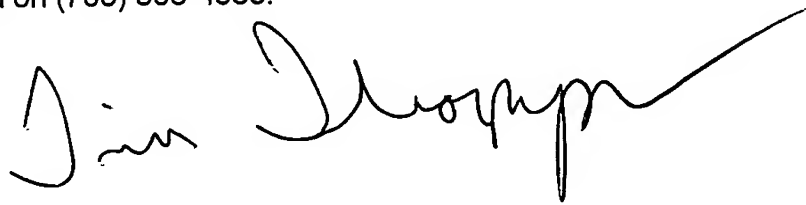
### ***Allowable Subject Matter***

Claims 2, 5, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. With the important features being the mathematical limitation pertaining to focal length ratios or the antivibration sensitivity.

### **Conclusion**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Thompson whose telephone number is (703) 305-0881. If the examiner can not be reached his supervisor, Georgia Epps, can be reached on (703) 308-4883.

A handwritten signature in black ink, appearing to read "Tim Thompson", with a long, sweeping horizontal stroke extending to the right.

T.J.T.

5/9/03